



General Assembly

February Session, 2006

Raised Bill No. 657

LCO No. 3161

* ____SB00657ENV__032006__ *

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE PHASE-OUT OF CERTAIN
POLYBROMINATED DIPHENYL ETHERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) As used in this section
2 and sections 2 and 3 of this act:

3 (1) "Household textiles" means mattresses, mattress pads,
4 comforters, drapes or upholstered furniture intended for indoor use in
5 a residence;

6 (2) "Manufacturer" means any person, firm, association, partnership
7 corporation, governmental entity, organization or joint venture that
8 produces a product containing polybrominated diphenyl ethers or an
9 importer or domestic distributor of a noncombustible product
10 containing polybrominated diphenyl ethers;

11 (3) "Penta-bde" means pentabromodiphenylether;

12 (4) "Octa-bde" means octabromodiphenylether;

13 (5) "Deca-bde" means decabromodiphenylether;

14 (6) "Polybrominated diphenyl ethers" means chemical forms that
15 consist of diphenyl ethers bound with bromine atoms including, but
16 not limited to, penta-bde, octa-bde and deca-bde;

17 (7) "Commercial deca-bde" means deca-bde and any associated
18 polybrominated diphenyl ether impurities not intentionally added,
19 provided no single such impurity exceeds one per cent by mass of the
20 mixture and the combination of all polybrominated diphenyl ether
21 impurities do not exceed four per cent by mass of the mixture;

22 (8) "Alternative flame retardant" means a chemical other than a
23 polybrominated diphenyl ether that is added to a product to inhibit the
24 spread of flames;

25 (9) "Used product" means a product that has been previously
26 owned, purchased or sold in commerce. "Used product" does not mean
27 any product manufactured after January 1, 2006; and

28 (10) "Electric enclosure" means the plastic housing that encloses the
29 components of electronic products, including, but not limited to,
30 televisions and computers.

31 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) Except as provided in
32 subsections (b) and (c) of this section, on and after January 1, 2007, no
33 person shall manufacture or sell, offer for sale or distribute for sale or
34 use a product containing penta-bde or octa-bde. On or after January 1,
35 2010, no person may manufacture or sell, offer for sale or distribute for
36 sale or use any television, computer, facsimile machine or printer that
37 has an electric enclosure that contains commercial deca-bde or a
38 household textile that contains commercial deca-bde. The
39 manufacturer shall notify persons that sell the manufacturer's products
40 about the provisions of this section.

41 (b) The following uses of polybrominated diphenyl ethers are
42 permitted: (1) The sale or distribution by a business, charity or private
43 party of any used product containing polybrominated diphenyl ethers,
44 or (2) the manufacture, sale or distribution of any new product or

45 product component consisting of recycled or used materials containing
46 commercial deca-bde.

47 (c) A manufacturer of a product prohibited pursuant to subsection
48 (a) of this section may apply to the Commissioner of Environmental
49 Protection for an exemption for a specific use of a commercial deca-
50 bde. Said application shall be accompanied by a fee of one hundred
51 dollars. The commissioner may grant an exemption upon a finding
52 that (1) a technically feasible alternative to the use of the commercial
53 deca-bde is not available at a reasonable cost, or (2) the potential harm
54 to public health and the environment posed by a technically feasible
55 and available alternative is greater than the potential harm posed by
56 the commercial deca-bde. The commissioner may not grant an
57 exemption for a term of more than three years. An exemption may be
58 renewed upon submission of an application to the commissioner,
59 accompanied by a fee of one hundred dollars, provided the
60 commissioner finds that the use continues to meet the criteria of this
61 subsection.

62 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) On and after January 1,
63 2010, no person shall manufacture or sell, offer for sale or distribute for
64 sale or use any television, computer, facsimile machine or printer that
65 has an electronic enclosure that contains an alternative flame retardant
66 or a household textile that contains an alternative flame retardant
67 unless the manufacturer of the product or a trade association
68 representing manufacturers of the product has provided chemical
69 safety data on the alternative flame retardants to the Commissioner of
70 Environmental Protection on a form prescribed by the commissioner.

71 (b) Information submitted pursuant to subsection (a) of this section
72 shall be considered a trade secret for purposes of section 1-210 of the
73 2006 supplement to the general statutes.

74 (c) The Commissioner of Environmental Protection may adopt
75 regulations, in accordance with chapter 54 of the general statutes, to
76 prohibit the manufacture, sale, offer for sale or distribution for sale or

77 use of an alternative flame retardant on and after January 1, 2010, if the
 78 Commissioner of Environmental Protection, in consultation with the
 79 Commissioner of Public Health, determines that there is credible
 80 scientific evidence that demonstrates that the alternative flame
 81 retardant poses a risk to human health or the environment.

82 Sec. 4. (NEW) (*Effective October 1, 2006*) Any person who violates
 83 any provision of section 2 or 3 of this act shall pay a civil penalty of not
 84 more than one hundred dollars for each offense and, in the case of a
 85 continuing violation, each day's continuance thereof shall be a separate
 86 and distinct offense. The Attorney General, upon complaint of the
 87 Commissioner of Environmental Protection, shall institute an action in
 88 the superior court for the judicial district of Hartford to recover such
 89 penalty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section

ENV *Joint Favorable*